

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

Demetrius Whitney,)	
<i>Plaintiff</i> ,)	18-cv-4475
- <i>vs</i> -)	
Fauzia Khan, Sheriff of Cook County, and Cook)	Judge Kennelly
County, Illinois,)	
<i>Defendants</i> .)	

NOTICE OF HEARING ON SETTLEMENT OF CLASS ACTION

TO: All inmates assigned to be treated by Residential Treatment Unit (RTU) dental clinic from January 1, 2017 to March 23, 2021, who submitted a written "Health Service Request Form" processed as "urgent" and did not receive an evaluation by a dentist for at least 14 days after submitting the request. (the "Certified Class")

AND

All members of the above certified class who were subsequently referred by the RTU dentist to the Stroger Hospital Oral Surgery Clinic. (the "Subclass")

A proposed settlement of this case, *Whitney v. Khan, et al.*, No. 18 cv-4475 has been submitted to the Court for approval. This document describes the proposed settlement and tells you what to do if you are a class member and (a) wish to participate in the settlement, or (b) wish to exclude yourself from this case, or (c) if you believe that the proposed settlement should not be approved.

**THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU
YOU MAY BENEFIT FROM READING THIS NOTICE
PLEASE READ THIS NOTICE CAREFULLY**

WHAT THIS CASE IS ABOUT

The plaintiffs in this case were detainees assigned to be treated by the Residential Treatment Unit dental clinic from January 1, 2017 through March 23, 2021. The defendants are Dr. Fauzia Khan, the Sheriff of Cook County, and Cook County, Illinois. The action is pending in the United States District Court for the Northern District of Illinois and alleges violations of rights secured by the United States Constitution. The Court ordered on March 11, 2019 the case may proceed as a class action. Each plaintiff made a written request for dental care because of acute pain and claims to have suffered prolonged and unnecessary pain because they were not provided an evaluation by a dentist for at least 14 days after submitting the request. Dr. Khan, the Sheriff and the County deny that anyone waited fourteen days for a dental evaluation after submitting a written request for dental care because of acute pain.

On March 25, 2020, the Court certified a subclass for all members of the certified class who were subsequently referred by the RTU dentist to the Stroger Hospital Oral Surgery Clinic for extractions. Plaintiffs in the subclass contend they endured significant delays in receiving extractions from Stroger. Dr. Khan, the Sheriff and Cook County deny that anyone waited an unreasonable time for an extraction from the oral surgery clinic after receiving a referral from the RTU dentist.

THE PROPOSED SETTLEMENT

With the assistance of the Court, the lawyers for the parties have agreed to a settlement of all claims in this case. Defendants have agreed to establish a “class settlement fund” in the amount of \$1,579,000 (one million, five hundred and seventy-nine thousand dollars) to cover alleged damages to the certified class. To resolve all claims of subclass members, defendants have agreed to establish a “subclass settlement fund” in the amount of \$240,000 (two hundred and forty thousand dollars) to cover alleged damages to the subclass. If the Court approves the proposed settlement, each member of the “released class” and “released subclass” will receive awards based on the number of claimants in the class and subclass as follows:

Each member of the “released class” will receive a minimum of \$500 (five hundred dollars).

The maximum amount to be paid to members of the “released class” is \$1,500 (one thousand five hundred dollars) depending on the number of claims received from class members.

Each member of the “released subclass” will receive a minimum of \$600 (six hundred dollars).

The maximum amount to be paid to members of the “released subclass class” is \$1,800 (one thousand eight hundred dollars) depending on the number of claims received from subclass members.

In addition to the “class settlement fund” and the “subclass settlement fund” defendants have agreed to pay incentive awards to plaintiff Demetrius Whitney, \$25,000, class representative Brian Henry \$15,000, and class representative Robert Burgess \$20,000. Attorneys’ fees were negotiated after an agreement had been reached on the monetary relief for the class and subclass. Defendants have agreed not to object to Class Counsel seeking an award of \$1,126,228.28 (one million one hundred twenty six thousand two hundred twenty eight dollars) in attorneys’ fees and reimbursement of \$92,460 for litigation costs.

RELEASE

If you want to participate in this settlement, you must complete the enclosed Claim Form and “release”, which means that you cannot sue about anything that arises out of your incarceration related to dental care at the Cook County Jail. The release does not extend to any claim that has not yet accrued or that is already pending in court.

CLASS COUNSEL'S OPINIONS

The class is represented by Thomas G. Morrissey and Patrick W. Morrissey, 10150 S. Western Ave, Suite Rear, Chicago, IL 60643, (773) 238-4235. Class Counsel have investigated the facts and the applicable law and consider this settlement to be in the best interest of the class.

NO ADMISSION OF LIABILITY

By settling this lawsuit, Defendants do not admit that they have done anything wrong. Defendants expressly deny any wrongdoing and/or violation of any individual's constitutional rights. Defendants, by agreeing to resolve this case, do not agree to resolve claims of detainees held at the Cook County Jail outside the time period of this class and will vigorously defend any such claims.

FINAL APPROVAL HEARING

A hearing will be held on [insert date] in Courtroom 2103, United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60602. The hearing will decide whether the proposed class settlement is fair, reasonable, and adequate, and whether the proposed settlement should be approved by the Court. The date and time of the hearing may be changed without further written notice to the class.

Any class member who wishes to be heard either in support of or in opposition to the proposed settlement must file a written objection or comment with the Clerk of the United States District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois 60602 on or before [insert date]. Written objections or comments will be considered whether or not the class member attends the hearing.

YOUR OPTIONS

If you are an eligible class member and wish to receive a portion of the settlement proceeds, you **must** return the enclosed claim form to the Claims Administrator. A pre-paid pre-addressed return envelope is provided. **The claim form must be received by [date to file claim].** If the settlement is finally approved by the Court, and if you are an eligible class or subclass member, you will receive a check. **YOU WILL NOT RECEIVE ANY MONEY IF YOU DO NOT SUBMIT A CLAIM FORM.**

If you do not wish to participate in this settlement, you can opt-out, which means to exclude yourself from both the class action and the settlement. To opt-out, you **must** return the opt-out form to Class Counsel, Thomas G. Morrissey, 10150 S. Western Ave., Suite Rear, Chicago, IL 60643. **The opt-out form must be post marked by [date of opt out].** If you do not timely opt out of the class, you will be a class member and bound by the terms of the settlement and the Court's orders. You will be bound by any judgment approving or disapproving the settlement, and you will receive the benefits of the settlement, if approved by the Court.

MORE INFORMATION

The settlement agreement and all other papers filed in this action may be examined and copied in the Office of the Clerk of the U.S. District Court for the Northern District of Illinois, 219 South Dearborn Street, 20th floor, Chicago, Illinois 60602 between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.

Do not call either the Court or Office of the Clerk for information about the case.